

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

APRIL, JENNY, PIA, VIOLET, LILY
AND SLOANE,

Plaintiffs,

VS.

PETER ALEXANDER GROSS,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:25-CV-00843

DEFENDANT’S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Peter Alexander Gross ("Gross"), Defendant in the above entitled and numbered civil action, files *Defendant’s Motion for Leave to File First Amended Answer* to the Complaint filed by Plaintiff “APRIL,” “JENNY,” “PIA,” “VIOLET,” “LILY,” and “SLOANE,” (“Plaintiffs”), and answers as follows:

I. BACKGROUND

1. Plaintiffs filed their Original Complaint on February 26, 2025.
2. Defendant filed his Original Answer on April 24, 2025.
3. Defendant seeks leave to amend his Answer to assert additional affirmative defenses.
3. Neither party has initiated discovery at the time of the filing of this motion.
4. A copy of the proposed First Amended Answer is attached as **Exhibit A** in accordance with Local Rule 7.1.

II. ARGUMENT

5. Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that the Court "should freely give leave [to amend] when justice so requires."

6. The Fifth Circuit has emphasized that leave should be freely granted unless there is evidence of undue delay, bad faith, dilatory motive, undue prejudice to the opposing party, or futility of the amendment. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Smith v. EMC Corp.*, 393 F.3d 590, 595 (5th Cir. 2004).

7. This amendment is timely under the Court's current scheduling order, and there is no prejudice to Plaintiff.

8. The proposed amendment is made in good faith and not for purposes of delay.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the Court grant this Motion for Leave to File Amended Answer, accept the First Amended Answer attached as **Exhibit A**, and grant such other and further relief to which Defendant may be justly entitled.

Respectfully submitted,

DAVID A. NACHTIGALL, ATTORNEY AT LAW, PLLC

/s/ David A. Nachtigall

David A. Nachtigall

State Bar No. 24049076

1545 Heights Blvd., Suite 100

Houston, Texas 77008

Tel 713.229.0008

Fax 713.650.1602

david@dntriallaw.com

Attorney for Defendant

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with counsel for Plaintiffs regarding the relief sought in this motion on July 10, 2025, and she indicated that Plaintiffs are opposed.

/s/ David A. Nachtigall
David A. Nachtigall

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy of the foregoing instrument has been sent to all interested counsel of record in accordance with the Federal Rules of Civil Procedure on July 11, 2025.

Susanna Southworth, PhD, Esq.
Attorney-in-charge
WSBA #35687
Restore the Child, PLLC
2522 N Proctor St, Ste 85
Tacoma, Washington 98406
Phone: (253) 392-4409
susanna@restorethechild.com

Attorneys for Plaintiffs

/s/ David A. Nachtigall
David A. Nachtigall